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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/765,519

Filing Date: January 27, 2004

Appellant(s): JOHNSON ET AL.

Alan D. Christenson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 27 October 2009 appealing from the Office action mailed 28 May 2009.

(1) Real Party Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

1-3, 5-2, 14-22, 24-26

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

NEW GROUND(S) OF REJECTION

Claims 24-26 stand finally rejected under 35 USC 101 since the claims are directed to non-statutory subject matter.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

20040078424	Yairi et al.	10-2002
20040186888	Samn	03-2003
7146404	Kay et al.	04-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 24-26 are rejected under 35 USC 101 since the claims are directed to non-statutory subject matter. Claims 24-26 recite computer readable medium which appear to cover both transitory and non-transitory embodiments. The United States Patent and Trademark Office (USPTO) is required to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. See *In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. See *In re Nuijten*, 500 F.3d

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1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101*, Aug. 24, 2009; p. 2.

The Examiner suggests that the Applicant add the limitation "non-transitory" to the computer readable medium as recited in the claims in order to properly render the claims in statutory form in view of their broadest reasonable interpretation in light of the originally filed specification. The Examiner also suggests that the specification may be amended to add the term "non-transitory" to the disclosed computer readable medium to avoid a potential objection to the specification for a lack of antecedent basis of the claimed terminology.

Claims 1, 3, 5, 7-8, 10, 12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yairi et al. (US 20040078424 A1) in view of Samn (US 20040186888 A1).

Consider claims 1, 5 as applied to claim 1, and 10. Yairi et al. discloses a system and method, comprising: an HTTP gateway adapted to establish a communication link with an HTTP server; and an instant messaging communication subsystem adapted to enable communication between a plurality of instant messaging user interfaces coupled to the instant messaging communication subsystem; wherein, the HTTP gateway establishes a communication link with the instant messaging communication subsystem and wherein the HTTP gateway is adapted to receive commands from the instant

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messaging user interfaces, convert the commands to HTTP requests, send the HTTP requests to the HTTP server, receive HTTP responses to the HTTP requests from the HTTP server, and send the HTTP responses to an instant messaging user interface via the instant messaging communication subsystem ("Once an embedded IM client in a mobile terminal (e.g., mobile terminal/IM client 113) learns about a web service (e.g., web service 125), web service proxy module 103 facilitates communications between the embedded IM client 113 and the web service 125 based on the data obtained by web service broker 105. As indicated above, the web service 125 appears to the IM client 113 as a "virtual" IM user. Generally, the IM client 113 sends a message through the mobile IM server 111 to the web service proxy 103. The service controller 107 determines the service description used by the web service (e.g., by retrieving the web service's corresponding metadata from database 133), obtains any necessary parameters from the IM client 113, translates the information into a message format understandable by the web service 125, and forwards the message to the requested web service 125. Upon receiving the response from the web service 125, the web service proxy 103 translates the message into IM messages understandable by the IM client 113, and forwards the message to the requesting IM client 113. Note that the web service proxy provides the role of a stateless, data format translator between the IM and web services protocols. The service controller 107 contains the logic which drives the service invocation behavior of the gateway.") paragraph 0033).

However, Yairi et al. fails to disclose a system or method wherein a selection is made from a plurality of proxy servers.

Samm discloses a method and system for transferring real-time messages between multiple non-connected messaging servers wherein a selection is made from a plurality of proxy servers ("There remains a need for an improved instant messaging system that can enable a user to have broader access to multiple non-connected message servers for the purpose of transmitting messages to and receiving messages from these multiple non-connected message servers.") paragraph 0011 ("The present invention allows a client that may have multiple accounts, each on distinct, unconnected messaging servers, to be able to be a relay point between or among those messaging servers. In the system of the present invention, at least one user with accounts on the multiple servers would log on to each server. When that user wants to create a chat conference among people from each of the isolated servers, the relay user can invite each person to the conversation and relay messages from users within the conference on a given server, to the other users from the other server(s). The relay can be implemented easily by "echoing" messages coming from one server to other servers that are connected to the relay client.") paragraph 0017 ("Referring to FIG. 6, shown is a configuration for this system of the present invention. This system comprises a central user 56 that has accounts on three different messaging servers 57, 58 and 59. In the present invention, central user 56 would serve as a relay point for messages from users having accounts on only one messaging server. In this configuration, messaging server 57 has in addition to user 56, users 60 and 61. Users 60 and 61 can only access messaging server 57. Messaging server 58 also has user 62 and 63 in addition to user

56. Messaging server 59 also has user 64 and 65 in addition to user 56.") paragraph 0037).

Yairi et al. discloses a prior art a system and method, comprising: an HTTP gateway adapted to establish a communication link with an HTTP server; and an instant messaging communication subsystem adapted to enable communication between a plurality of instant messaging user interfaces coupled to the instant messaging communication subsystem; wherein, the HTTP gateway establishes a communication link with the instant messaging communication subsystem and wherein the HTTP gateway is adapted to receive commands from the instant messaging user interfaces, convert the commands to HTTP requests, send the HTTP requests to the HTTP server, receive HTTP responses to the HTTP requests from the HTTP server, and send the HTTP responses to the instant messaging user interfaces via the instant messaging communication subsystem; wherein the HTTP gateway selects said instant messaging, communication subsystem from among a plurality of instant messaging communication subsystems using a configuration file of the HTTP gateway stored on the system upon which the claimed invention can be seen as an improvement.

Samn teaches a prior art comparable method and system for transferring real-time messages between multiple non-connected messaging servers wherein a selection is made from a plurality of proxy servers.

Thus, the manner of enhancing a particular device (method and system for transferring real-time messages between multiple non-connected messaging servers wherein a selection is made from a plurality of proxy servers) was made part of the

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ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Samn. Accordingly, one of ordinary skill in the art would have been capable of applying this known improvement technique in the same manner to the prior art system and method, comprising: an HTTP gateway adapted to establish a communication link with an HTTP server; and an instant messaging communication subsystem adapted to enable communication between a plurality of instant messaging user interfaces coupled to the instant messaging communication subsystem; wherein, the HTTP gateway establishes a communication link with the instant messaging communication subsystem and wherein the HTTP gateway is adapted to receive commands from the instant messaging user interfaces, convert the commands to HTTP requests, send the HTTP requests to the HTTP server, receive HTTP responses to the HTTP requests from the HTTP server, and send the HTTP responses to the instant messaging user interfaces via the instant messaging communication subsystem; wherein the HTTP gateway selects said instant messaging, communication subsystem from among a plurality of instant messaging communication subsystems using a configuration file of the HTTP gateway stored on the system of Yairi et al. and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized a multi-protocol instant messaging system and method.

Consider claims 3 as applied to claim 1, and claim 12 as applied to claim 10. Yairi et al., as modified by Samn, discloses a system and method comprising a back-

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end database connected to the HTTP server, wherein the HTTP server is adapted to query the back-end database in preparing the HTTP responses ("Web service broker module 105 provides registration and discovery for web services accessed through IM/WS gateway 101, and stores in database 133 any data needed for the interaction between the end user and a requested web service. The stored data may include web service description metadata, web service composition metadata, or web service workflow logic. The stored data may additionally include program control logic, payment information, or any other information about the web service or web service provider that may be presented to the user, e.g., during web service discovery or activation. This stored data may subsequently be referred to either collectively or specifically as web service metadata or simply as metadata.") Yairi et al., paragraph 0027).

Consider claims 7 as applied to claim 1, and 15 as applied to claim 10. Yairi et al., as modified by Samn, discloses a system wherein the HTTP gateway polls the instant messaging communication subsystem for the commands from the instant messaging user interfaces ("A mobile terminal, comprising: a processor; an input device; a display screen; memory storing computer readable instructions that, when executed by the processor, perform a method for communicating with a plurality of web services, comprising (i) sending to an instant messaging web services gateway an instant messaging (IM) formatted request to communicate with a predetermined web service in the plurality of web services; (ii) receiving an IM-formatted query message from the gateway for each input required by the predetermined web service; (iii)

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generating an input value for each input required by the predetermined web service; (iv) sending an IM-formatted response message to the gateway for each determined input value; and (v) receiving an IM-formatted web service response from the gateway based on each of the sent input values.") Yairi et al., Claim 24).

Consider claim 8 as applied to claim 1 and 16 as applied to claim 10. Yairi et al., as modified by Samn, discloses a system wherein conversion of commands from instant messaging user interfaces into the HTTP requests comprises creation of form variables by the HTTP gateway based on the commands ("According to a first aspect of the invention, a gateway data processing device acts as an intermediary between IM users and web services. The gateway communicates with an instant messaging (IM) server via a first network interface, and communicates with a plurality of web service providers through a second network interface. The gateway stores a database of information on the available web services, such as communication details, required inputs, expected outputs, and the like. The gateway also includes a proxy module that translates messages between formats understandable by IM users and each web service. When the proxy receives from an IM user an IM-formatted request for a web service, the proxy retrieves information from the database corresponding to the requested web service, and generates one or more web service-formatted request(s) corresponding to the requested web service using the retrieved information. Upon creation of the web service formatted message, the proxy sends the web service-formatted request(s) to a specific web services provider that provides the requested web service. One or more web

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service response(s) is received by the proxy, reformatted for the IM system, and delivered to the IM server destined to the originating mobile IM user.") Yairi et al., paragraph 0010).

Claims 2, 6, 9, 11, 14, 17-22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yairi et al. (US 20040078424 A1) in view of Samn (US 20040186888 A1) and in further view of Kay et al. (US 7146404 B2).

Consider claim 2 as applied to claim 1 and 11 as applied to claim 10. Yairi et al., as modified by Samn, discloses a system and method comprising: an HTTP gateway adapted to establish a communication link with an HTTP server; and an instant messaging communication subsystem adapted to enable communication between a plurality of instant messaging user interfaces coupled to the instant messaging communication subsystem; wherein, the HTTP gateway establishes a communication link with the instant messaging communication subsystem and wherein the HTTP gateway is adapted to receive commands from the instant messaging user interfaces, convert the commands to HTTP requests, send the HTTP requests to the HTTP server, receive HTTP responses to the HTTP requests from the HTTP server, and send the HTTP responses to the instant messaging user interfaces via the instant messaging communication subsystem. However, Yairi et al., as modified by Samn, fails to disclose a system and method comprising at least one instant messaging bot, wherein the HTTP gateway is coupled to the instant messaging communication subsystem via the at least

one instant messaging bot and the instant messaging bot receives the commands from the instant messaging user interfaces and sends HTTP responses to the user interfaces via the instant messaging communication subsystem. Kay et al. discloses a method for performing authenticated access to a service on behalf of a user comprising at least one instant messaging bot, wherein the HTTP gateway is coupled to the instant messaging communication subsystem via the at least one instant messaging bot and the instant messaging bot receives the commands from the instant messaging user interfaces and sends HTTP responses to the user interfaces via the instant messaging communication subsystem ("To gain access to the sibling services, the interactive agent servers must be granted a trust relationship with the sibling services. Hence, the provider of the IM and sibling services grant access to the sibling services databases without requiring a password. In doing so, the service provider is trusting the interactive agent to properly handle the access privileges. Such a trust relationship is possible because of the very nature of instant messaging. For a user to send a message from a given screen name, they must be pre-authenticated by the instant messaging service. That service authentication mechanism is the same mechanism (and the same screen name and password) that is used by the sibling services. Therefore, the fact that a message is received from the screen name proves in itself that the user has access to the data in question. In accordance with the preferred embodiment, once the trust relationship is established, the interactive agent would have access to user information stored in the sibling services. The interactive agent can then manipulate the data stored in sibling services on behalf of the user, since the data belongs to that user. In certain

embodiments, Personal Bots are used to store all of the user's personal data in the interactive agent user profile. In accordance with the present embodiment, it is possible to increase the synergy of the personal bot with the method of the invention, if the interactive agent granting access to the user's personal data was previously stored in the sibling services. In this case, the user would then have an integrated calendar, for example, that is manipulatable either through the previously extant web interface, as well as through the personal bot, by issuing statements such as "I'm having lunch with Bob Smith on Tuesday."") column 16 lines 44-67 and column 17 lines 1-8).

Yairi et al., as modified by Samn, discloses a prior art web services via instant messaging comprising: an HTTP gateway adapted to establish a communication link with an HTTP server; and an instant messaging communication subsystem adapted to enable communication between a plurality of instant messaging user interfaces coupled to the instant messaging communication subsystem; wherein, the HTTP gateway establishes a communication link with the instant messaging communication subsystem and wherein the HTTP gateway is adapted to receive commands from the instant messaging user interfaces, convert the commands to HTTP requests, send the HTTP requests to the HTTP server, receive HTTP responses to the HTTP requests from the HTTP server, and send the HTTP responses to the instant messaging user interfaces via the instant messaging communication subsystem upon which the claimed invention can be seen as an improvement.

Kay et al. teaches a prior art comparable method for performing authenticated access to a service on behalf of a user comprising at least one instant messaging bot,

wherein the HTTP gateway is coupled to the instant messaging communication subsystem via the at least one instant messaging bot and the instant messaging bot receives the commands from the instant messaging user interfaces and sends HTTP responses to the user interfaces via the instant messaging communication subsystem.

Thus, the manner of enhancing a particular device (method for performing authenticated access to a service on behalf of a user comprising at least one instant messaging bot, wherein the HTTP gateway is coupled to the instant messaging communication subsystem via the at least one instant messaging bot and the instant messaging bot receives the commands from the instant messaging user interfaces and sends HTTP responses to the user interfaces via the instant messaging communication subsystem) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Kay et al. Accordingly, one of ordinary skill in the art would have been capable of applying this known improvement technique in the same manner to the prior art web services via instant messaging comprising: an HTTP gateway adapted to establish a communication link with an HTTP server; and an instant messaging communication subsystem adapted to enable communication between a plurality of instant messaging user interfaces coupled to the instant messaging communication subsystem; wherein, the HTTP gateway establishes a communication link with the instant messaging communication subsystem and wherein the HTTP gateway is adapted to receive commands from the instant messaging user interfaces, convert the commands to HTTP requests, send the HTTP requests to the HTTP server, receive HTTP responses to the HTTP requests from the HTTP server, and send the

HTTP responses to the instant messaging user interfaces via the instant messaging communication subsystem of Yairi et al., as modified by Samn, and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized a system and method of application hosting.

Consider claims 6 as applied to claim 1, 14 as applied to claim 10, and 20 as applied to claim 18. Yairi et al., as modified by Samn and Kay et al., discloses a system and method wherein the HTTP gateway is adapted to map the HTTP requests to specific paths on the HTTP server (Yairi et al., paragraph 0007 and Kay et al., column 8 lines 14-48).

Consider claim 9 as applied to claim 1, and 17 as applied to claim 10. Yairi et al., as modified by Samn and Kay et al., discloses a system and method wherein transmitting the HTTP responses to the instant messaging user interfaces comprises extracting text portions of the HTTP responses and communicating the text portions to the instant messaging user interfaces (Kay et al., column 9 lines 47-67 and column 10 lines 1-16).

Consider claim 18. Yairi et al., as modified by Samn and Kay et al., discloses a system comprising: means for establishing a communication link between an HTTP gateway and an HTTP server; means for transmitting commands from a plurality of instant messaging user interfaces coupled to an instant messaging communication

subsystem to the HTTP gateway via at least one instant messaging bot; means for converting the commands to HTTP requests (Yairi et al., paragraph 0010); means for transmitting the HTTP requests to the HTTP server (Kay et al., column 4 lines 1-28); means for generating HTTP responses to the HTTP requests; and means for transmitting the HTTP responses via the at least one instant messaging bot to the instant messaging user interfaces (Kay et al., column 16 lines 44-67 and column 17 lines 1-8) wherein the HTTP selects said instant messaging communication subsystem from among a plurality of instant messaging communication subsystems using a configuration file of the HTTP gateway stored on the system (Yairi et al., paragraph 0040).

Consider claim 19, as applied to claim 18. Yairi et al., as modified by Samn and Kay et al., discloses a system wherein generating HTTP responses to the HTTP requests comprises a means for querying a back-end database (Yairi et al., paragraph 0027).

Consider claim 21. Yairi et al., as modified by Samn and Kay et al., discloses a gateway comprising: a CPU; a storage device coupled to the CPU and containing executable code; wherein, upon executing the code, the processor receives commands from instant messaging user interfaces, converts the commands to HTTP requests (Kay et al., column 16 lines 44-67 and column 17 lines 1-8), sends the HTTP requests to an HTTP server, receives HTTP responses from the HTTP server, and sends the HTTP

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responses to the instant messaging user interfaces via an instant messaging communication subsystem (Kay et al., column 4 lines 1-28); a configuration file, wherein the CPU accesses data in the configuration file to determine with which of a plurality of instant messaging subsystems the gateway establishes a communication link; wherein the configuration file is usable to determine to which of a plurality of HTTP servers the gateway sends said HTTP requests (Yairi et al., paragraph 0040).

Consider claim 22, as applied to claim 21. Yairi et al., as modified by Samn and Kay et al., discloses a gateway wherein the CPU further comprises executable code for an instant messaging bot, wherein the instant messaging bot receives commands from the instant messaging user interfaces and sends HTTP responses to the users interfaces via the instant messaging communication subsystem (Kay et al., column 16 lines 44-67 and column 17 lines 1-8).

Consider claim 24. Yairi et al., as modified by Samn and Kay et al., discloses a storage device containing software that, when executed by a processor, causes the processor to: receive commands from a plurality of instant messaging user interfaces; convert the commands to HTTP requests (Yairi et al., paragraph 0010); transmit the HTTP requests to an HTTP server; receive HTTP responses from the HTTP server; and transmit the HTTP responses to the instant messaging user interfaces via an instant messaging communication subsystem (Kay et al., column 4 lines 1-28); wherein receiving commands from or transmitting HTTP responses to the of instant messaging

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user interfaces comprises accessing a configuration file to determine with which of a plurality of instant messaging communication subsystems to establish a communication link (Yairi et al., paragraph 0040).

Consider claim 25, as applied to claim 24. Yairi et al., as modified by Samn and Kay et al., discloses a storage device wherein receiving commands from a plurality of instant messaging user interfaces comprises receiving the commands via an instant messaging bot (Kay et al., column16 lines 44-67 and column 17 lines 1-8).

Consider claim 26, as applied to claim 24. Yairi et al., as modified by Samn and Kay et al., discloses a storage device wherein receiving HTTP responses from the HTTP server comprises querying a back-end database (Yairi et al., paragraph 0027).

(10) Response to Argument

Applicant argues that Yairi et al., as modified by Samn, does not teach that the HTTP gateway selects an instant messaging communication subsystem from among a plurality of instant messaging communication subsystems using a configuration file of the HTTP gateway stored on the system as in Claim 1.

Examiner respectfully disagrees. Yairi et al. discloses a system and method of web services comprising a proxy module that is interpreted to read on the HTTP

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gateway. Samn discloses an instant messaging system wherein a client may have accounts on multiple servers comprising a method wherein users can conference among people on isolated servers. This is interpreted to read on the claimed selecting an instant message communication subsystem from among a plurality of instant messaging subsystems. Yairi et al. further discloses a method wherein said proxy module, interpreted to read on said HTTP gateway, acquires input parameters from requesting clients and uses them to create and compare user profiles stored on said proxy module. These stored parameters on the proxy module are interpreted to read on the claimed configuration file of the HTTP gateway.

Applicant argues that Yairi et al., as modified by Samn, does not teach an HTTP gateway, an HTTP server, HTTP requests and HTTP responses as in Claim 1.

Examiner respectfully disagrees. Yairi et al. discloses a system and method of web services comprising a proxy module that is interpreted to read on the HTTP gateway; a mobile instant messaging server that is interpreted to read on the HTTP server; a method of a client requesting a web service, interpreted to read on the claimed HTTP request; and an instant message gateway that translates responses and sends them to requesting clients, interpreted to read on the claimed HTTP response.

Applicant argues that Yairi et al., as modified by Samn and Kay et al., does not teach an instant messaging bot that receives the commands from an instant messaging

user interface and sends HTTP responses to user interfaces via an instant messaging communication subsystem as in Claim 2.

Examiner respectfully disagrees. Kay et al. discloses a system and method comprising a personal bot that stores user personal data in an interactive agent profile, that is interpreted to read on the claimed instant messaging bot that receives commands. Yairi et al. discloses a system and method wherein gateway communicates with an instant messaging server via a first network interface, and communicates with a plurality of web service providers through a second network interface, interpreted to read on the claimed instant messaging user interface. Yairi et al. further discloses a system and method of web services comprising a method of a client requesting a web service, interpreted to read on the claimed HTTP request; and an instant message gateway that translates responses and sends them to requesting clients, interpreted to read on the claimed HTTP response.

Applicant argues that Yairi et al., as modified by Samn and Kay et al., does not teach that the HTTP gateway is adapted to map HTTP requests to specific paths on the HTTP server as in Claim 6.

Examiner respectfully disagrees. Yairi et al. discloses a system and method of web services comprising a proxy module that is interpreted to read on the HTTP gateway; Yairi et al. further discloses a system and method of web services wherein

SMS messages for network services provide a custom mapping translation model for each network service provided, interpreted to read on the claimed mapping HTTP requests to specific paths.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) Reopen prosecution. Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) Maintain appeal. Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR

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41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

/Mark D Fearer/

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

/Jack Harvey/

Director, Technology Center 2400

Conferees:

/George C Neurauter, Jr./

Primary Examiner, Art Unit 2443

/Tonia LM Dollinger/

Supervisory Patent Examiner, Art Unit 2443